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In re Application of
AGARWAL et al.
Application No.: 09/529,773
PCT No.: PCT/US98/21632
Int. Filing Date: 20 October 1998
Priority Date: 20 October 1997
Attorney Docket No.: A7046
For: A METHOD FOR UPLINK POWER
CONTROL FOR DISTRIBUTED SATELLITE
NETWORKS TO COMPENSATE FOR
RAIN FADE

DECISION ON RENEWED

PETITION UNDER 37 CFR 1.181

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.181" for withdrawal of abandonment" filed on 07 November 2001 in the United States Patent and Trademark Office (USPTO) in the above referenced application. No petition fee is required. This is also in response to applicants' status inquiry filed with a copy of the renewed petition on 07 November 2001.

BACKGROUND

On 30 May 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required.

On 23 February 2001, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to said Notification of Missing Requirements.

On 08 March 2001, applicants submitted a request with a copy of an itemized receipt and a copy of the declaration and assignment allegedly deposited on 30 June 2000, which was treated as a petition under 37 CFR 1.181.

On 17 August 2001, a decision was mailed to applicant indicating that the evidence submitted was insufficient to establish that the declaration for this application was received in the

On 13 September 2001, applicant filed a renewed petition under 37 CFR 1.181 along with a copy of an itemized receipt with date stamp by the USPTO "Jun 30 2000".

DISCUSSION

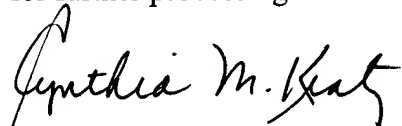
To prove the timely filing of the declaration in response to the Notification of Missing Requirements, counsel has now provided an itemized receipt in the form of a transmittal letter, bearing an official USPTO date-stamp "OPIE JUN 30 2000". The itemized receipt letter indicates the submission of a declaration for 09/529,773. The date stamp on the itemized receipt does conform with a USPTO date-stamp.

The evidence submitted is sufficient to establish that the declaration for this application was received in the USPTO on 30 June 2000. Accordingly, it is appropriate to accept the copy of the declaration submitted on 08 March 2001 as a replacement for the missing original declaration with a deposit date of 30 June 2000.

CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c) and 102(e) date is **30 June 2000**.



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